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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/823,951	04/13/2004	Francis W. Daly JR.	543-99-036 CIP	5451

128 7590 01/11/2008

HONEYWELL INTERNATIONAL INC.
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

EXAMINER

ART UNIT	PAPER NUMBER
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DATE MAILED: 01/11/2008

Please find below and/or attached an Office communication concerning this application or proceeding.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10823951	4/13/04	DALY, FRANCIS W.	543-99-036 CIP

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EXAMINER

Anthony Gutierrez

ART UNIT	PAPER
2857	20080108

DATE MAILED:

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Commissioner for Patents

The Examiner's Answer mailed February 26, 2007, has been vacated by Order of the Board of Patent Appeals and Interferences dated October 10, 2007, to clarify the following with respect to the rejection of claim 38:

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Otsuka et al. (US Patent 5,974,360) in view of Frank (US Patent 5,615,118), further in view of Kuntman (US Patent 5,077, 558).


Claim 38 is dependent on claim 29. Claim 29 was addressed in the Final Rejection dated June 17, 2005 in a group including claims 1, 13, 20, and 22. Claim 38 is rejected in view of the combination of references as applicable and with the reasoning regarding that group. The subject matter of the specific limitation introduced in claim 38 regarding determining severity of threat to the safety of flight as a function of a comparison of future weather information was addressed with respect to the following:

"The method of Frank involves airplane operation and control by providing pilots with tactical information, including information about the severity of threats, such that the pilot may divert or take other corrective action (col. 5, lines 19-23 and col. 12, lines 15-33). It would have been obvious to one of ordinary skill in the art at the time of invention to modify Otsuka et al. in the manner of Frank in order to provide a pilot with a highly accurate forecast of a weather image so that the pilot can better choose appropriate action based on the forecast".

The remaining citations and explanations addressed how phase of flight would be an obvious further incorporation into the addressed claimed subject matter for determining a severity of threat to the safety of flight.

As the issues above were not addressed in Appellant's Amendment and Response, filed May 23, 2007, it is held as defective.

Appellant is further required to file a Supplement Appeal Brief that is in compliance with 37 CFR § 41.37 (c) for the reasons set forth in the Order addressed above (see Order for a complete explanation).


John Barlow
Supervisory Patent Examiner
Technology Center 2800

**Notification of Non-Compliant Appeal Brief
(37 CFR 41.37)**

Application No.

10/823,951

Applicant(s)

DALY, FRANCIS W.

Examiner

Anthony Gutierrez

Art Unit

2857

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

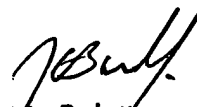
Briefs filed on 12/21/05, 4/11/06, and 4/24/07 are

The Appeal Brief filed on 21 December 2005 is defective for failure to comply with one or more provisions of 37 CFR 41.37. ^

To avoid dismissal of the appeal, applicant must file an amended brief or other appropriate correction (see MPEP 1205.03) within **ONE MONTH or THIRTY DAYS** from the mailing date of this Notification, whichever is longer.
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136.

1. ☐ The brief does not contain the items required under 37 CFR 41.37(c), or the items are not under the proper heading or in the proper order.
2. ☐ The brief does not contain a statement of the status of all claims, (e.g., rejected, allowed, withdrawn, objected to, canceled), or does not identify the appealed claims (37 CFR 41.37(c)(1)(iii)).
3. ☐ At least one amendment has been filed subsequent to the final rejection, and the brief does not contain a statement of the status of each such amendment (37 CFR 41.37(c)(1)(iv)).
4. ☐ (a) The brief does not contain a concise explanation of the subject matter defined in each of the independent claims involved in the appeal, referring to the specification by page and line number and to the drawings, if any, by reference characters; and/or (b) the brief fails to: (1) identify, for each independent claim involved in the appeal and for each dependent claim argued separately, every means plus function and step plus function under 35 U.S.C. 112, sixth paragraph, and/or (2) set forth the structure, material, or acts described in the specification as corresponding to each claimed function with reference to the specification by page and line number, and to the drawings, if any, by reference characters (37 CFR 41.37(c)(1)(v)).
5. ☒ The brief does not contain a concise statement of each ground of rejection presented for review (37 CFR 41.37(c)(1)(vi)).
6. ☒ The brief does not present an argument under a separate heading for each ground of rejection on appeal (37 CFR 41.37(c)(1)(vii)).
7. ☐ The brief does not contain a correct copy of the appealed claims as an appendix thereto (37 CFR 41.37(c)(1)(viii)).
8. ☐ The brief does not contain copies of the evidence submitted under 37 CFR 1.130, 1.131, or 1.132 or of any other evidence entered by the examiner **and relied upon by appellant in the appeal**, along with a statement setting forth where in the record that evidence was entered by the examiner, as an appendix thereto (37 CFR 41.37(c)(1)(ix)).
9. ☐ The brief does not contain copies of the decisions rendered by a court or the Board in the proceeding identified in the Related Appeals and Interferences section of the brief as an appendix thereto (37 CFR 41.37(c)(1)(x)).
10. ☒ Other (including any explanation in support of the above items):

It should be noted that on page 9 of Appellant's brief claim 38 was not mentioned or argued.


John Barlow
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